

1  
2  
3  
4  
5  
6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10

11 CALIFORNIA PIPE RECYCLING,  
12 INC.

13 Plaintiff,

14 vs.

15 SOUTHWEST HOLDINGS, INC., et al,

16 Defendants.  
\_\_\_\_\_ /

CASE NO. CV F 08-0236 LJO SMS

**ORDER ON PLAINTIFF'S EX PARTE  
APPLICATION FOR ORDER SHORTENING  
TIME AND SPECIAL MOTION TO STRIKE  
(Docs. 38, 39.)**

17 On August 19, 2008, defendants Southwest Pipe Services, Inc., Southwest Holdings, Inc. and  
18 Joseph Briers (collectively "Briers defendants"), filed papers which this Court construes to seek  
19 reconsideration of this Court's July 8, 2008 order to deny dismissal of plaintiff California Pipe  
20 Recycling, Inc.'s ("Cal Pipe's") claims. On September 9, 2008, Cal Pipe filed its ex parte application  
21 seeking shorten time to hear its special motion to strike the Briers defendants' reconsideration papers.  
22 Cal Pipe alternatively seeks to continue its opposition to the Briers defendants' reconsideration papers  
23 until after determination of its special motion to strike.

24 This Court concludes that its and the parties' best interests are served to address the merits of the  
25 Briers defendants' reconsideration request and the jurisdictional issues given there is no waiver of  
26 jurisdiction. As such, this Court DENIES Cal Pipe's ex parte application to shorten time, special motion  
27 to strike and alternative request to delay ruling on the Briers defendants' reconsideration request.  
28 Nonetheless, this Court is aware of the Briers defendants' procedural defects, delay and disobedience

1 of Local Rules. The parties are not to interpret this order to the effect that this Court will tolerate  
2 ignorance or disobedience of the Federal Rules of Civil Procedure, Local Rules and other procedural  
3 matters. This Court will insist on strict compliance with the Federal Rules of Civil Procedure, Local  
4 Rules and other procedural matters. Ignorance or disobedience of the Federal Rules of Civil Procedure,  
5 Local Rules and other procedural matters will subject a violating party to sanctions. This Court  
6 VACATES the October 14, 2008 hearing on Cal Pipe's special motion to strike and directs the clerk to  
7 term documents 38 and 39.

8 IT IS SO ORDERED.

9 **Dated: September 10, 2008**

**/s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE